

Message Text

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ORIGIN DLOS-04

INFO OCT-01 ISO-00 /005 R

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DRAFTED BY D/LOS:TCAPPEL:LB

APPROVED BY D/LOS:SHMCINTYRE

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R 152157Z JUL 74

FM SECSTATE WASHDC

TO CINCLANT

CINCPAC

UNCLAS STATE 152597

FOR POLADS

FOLLOWING REPEAT CARACAS 6147 SENT ACTION SECSTATE INFO USUN
NEW YORK JUL 4TH.

QUOTE:

UNCLAS CARACAS 6147

FROM US DEL LOS

DEPT PLEASE PASS ALL DIPLOMATIC POSTS

EO 11652: NA

TAGS: PLOS OGEN

SUBJECT: UNCLASSIFIED LOS SUMMARY WEEK ENDING 6/27

1. FIRST WEEK OF 10 WEEK LOS SESSION GOT OFF TO ENCOURAGING
START WITH APPROVAL AMENDED RULES OF PROCEDURE ON SCHEDULE JUNE 27.
OUTCOME RESULT OF STRENUOUS EFFORT ON PART OF CONFERENCE PRESIDENT
AND KEY DELEGATIONS TO AVOID OPENING CONFRONTATION; ALSO REFLECTION
OF GENERAL ATMOSPHERE OF SERIOUS INTENTION NEGOTIATE SUBSTANTIVE
POSITIONS WITH MINIMUM INJECTION POLEMICS AND EXTRANEIOUS ISSUES.
IN PRESS CONFERENCE PRIOR TO OPENING SESSION AMBASSADOR STEVENSON
EMPHASIZED NEED TO SEEK BROADLY ACCEPTABLE AGREEMENT AND US
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WILLINGNESS TO NEGOTIATE TO THAT END. AMBASSADOR ALSO TOOK

OCCASION SUCCESSFUL CONCLUSION RULES NEGOTIATION TO EMPHASIZE IMPORTANCE SUBSTANTIVE TASK AND HOPE MATTERS NOT DIRECTLY GERMANE TO SUBSTANCE WILL NOT ARISE IN TREATY DRAFTING FORUM. END SUMMARY.

2. SUBSTANCE: OUTLINES OF EMERGING CONSENSUS ON KEY ELEMENTS OF TREATY AGREEMENT APPEARING MORE CLEARLY AS RESULT CONCLUSION ON PART OF MOST STATES THAT OVERALL OCEANS TREATY DESIRABLE AND RECOGNITION THAT EFFECTIVE TREATY REQUIRES GENUINE ACCOMMODATION OF INTERESTS. FORMAL AND INFORMAL STATEMENTS DURING WEEK INDICATE BROAD SUPPORT FOR AGREEMENT ON 12 MILE TERRITORIAL SEA LIMIT WITH GUARANTEE OF UNIMPEDED TRANSIT THROUGH AND OVER INTERNATIONAL STRAITS

,
COUPLED WITH BROAD COASTAL STATE ECONOMIC JURISDICTION IN AREAS BEYOND WITH MOST STATES ENDORSING 200 MILE LIMIT, AND INTERNATIONAL REGIME AND MACHINERY FOR DEEP SEABED.

3. PRESS COMMENTS ON ECONOMIC ZONE: IN PRESS CONFERENCE AMBASSADOR STEVENSON REEMPHASIZED US VIEW THAT PARTICULAR LIMIT OF ECONOMIC ZONE OF LESS IMPORTANCE THAN CONTENTS OF RIGHTS AND DUTIES WITHIN THE ZONE TO PROTECT NON RESOURCE USES AND COMMON INTERNATIONAL COMMUNITY INTERESTS. AMB NOTED THAT IN CASE COASTAL STATE CONTROL OVER FISHERIES US BELIEVES THAT WHERE COASTAL STATE DOES NOT HAVE CAPACITY TO TAKE MAXIMUM CATCH CONSISTENT WITH CONSERVATION RULES, THERE SHOULD BE AN INTERNATIONAL OBLIGATION TO PROVIDE ACCESS FOR OTHERS. HE ALSO NOTED IMPORTANCE OF DISPUTE SETTLEMENT MACHINERY WITHIN THE ZONE, AND NECESSARY EXCEPTIONS TO COASTAL ZONE RESOURCE RIGHTS CITING AS EXAMPLE, THAT HIGHLY MIGRATORY SPECIES SUCH AS TUNA CAN ONLY BE APPROPRIATELY DEALT WITH BY INTERNATIONAL ARRANGEMENTS. STATING THAT BOUNDARY LIMITS SHOULD NOT BE FOCAL ISSUE OF DISCUSSION ON ECONOMIC ZONE AMB SAID THAT LIMITS WOULD NOT BE OBSTACLE TO REACHING SOLUTION "IF WE ON THE ONE HAND HAVE A GENERALLY SATISFACTORY OVERALL PACKAGE DEALING WITH OTHER ASPECTS, AND IF STATE CONTROL IS TEMPERED AND LIMITED BY THESE INTERNATIONAL STANDARDS."

4. RULE OF PROCEDURE: PROCEDURAL DISPUTE CENTERED ON RULES DEALING WITH VOTING MAJORITIES WITH SPECTRUM OF OPINION RANGING FROM THOSE FAVORING GA RULES OF MAJORITY OR TWO-THIRDS OF THOSE PRESENT AND VOTING, TO ORIGINAL SOVIET PROPOSAL OF MAJORITY OF NINE TENTHS. RESULT WAS CAREFULLY STRUCTURED THREE PART PACKAGE INCLUDING UNCLASSIFIED

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ENDORSEMENT OF GENTLEMANS AGREEMENT ADOPTED AT LAST UNGA TO EFFECT THAT WORK OF THE CONFERENCE SHOULD PROCEED TO DEGREE POSSIBLE WITHOUT VOTING UNTIL ALL EFFORTS AT CONSENSUS EXHAUSTED, A COOLING OFF PERIOD PRIOR TO VOTING, AND UPGRADED MAJORITIES. EFFECT OF REVISED RULES IS TO AVOID AFFIRMATIVE DECISIONS TAKEN BY NUMERICALLY SMALL MAJORITIES AS RESULT LARGE NUMBER OF ABSTENTIONS, AND TO PROVIDE EVERY OPPORTUNITY FOR CONSULTATION AND "COOLING OFF" IN ORDER TO OBTAIN A CONSENSUS. STATEMENTS MADE IN CONNECTION WITH

ADOPTION OF REVISED RULES THEMSELVES BY PROCESS OF CONSENSUS
SUPPORTED VIEW THAT CONSENSUS DOES NOT MEAN UNANIMOUS AGREEMENT.

5. DETAILS: A. GENTLEMANS AGREEMENT WAS MADE ANNEX TO RULES OF
PROCEDURE AND AS STATED BY CONFERENCE PRESIDENT WILL CONSTITUTE
OPERATING PRINCIPLE OF WORK OF CONFERENCE. B. UNDER REVISED RULE
37 A DETERMINATION THAT EFFORTS AT CONSENSUS HAVE BEEN EXHAUSTED
WILL BE DECIDED BY VOTING RULES GOVERNING SUBSTANTIVE QUESTIONS.
C. PRIOR TO A VOTE THE PRESIDENT MAY, AND MUST IF REQUESTED BY 15
DELEGATES, DEFER A VOTE FOR A MAXIMUM OF 10 DAYS. 2 DAYS NOTICE
OF INTENTION TO HOLD VOTE IS REQUIRED. "COOLING OFF PERIOD" IN
MAIN COMMITTEES IS 5 DAYS. D. IN PLENARY VOTE ON SUBSTANTIVE
MATTERS WILL BE BY TWO THIRDS OF THOSE PRESENT AND VOTING PROVIDING
AFFIRMATIVE VOTE EQUAL TO MAJORITY OF PARTICIPANTS IN CONFERENCE
SESSION (ABOUT 74). E. IN MAIN COMMITTEES USUAL CONFERENCE RULE
OF MAJORITY OF THOSE PRESENT AND VOTING APPLIES HOWEVER, UNDER
REVISED RULE ON QUORUM, A QUORUM REQUIRED TO TAKE A VOTE ON A
SUBSTANTIVE ISSUE IS A MAJORITY OF CONFERENCE PARTICIPANTS.
TREATY WILL BE VOTED ON AS A WHOLE.

6. CREDENTIALS: WITH EXTRAORDINARY EFFORT BY CHAIRMAN, SUPPORTED
BY GENERAL DESIRE TO MAINTAIN CONSENSUS, VOTE AVOIDED ON CHINESE
AMENDMENT TO RULE 4. FINAL TEXT PERMITS, AS PREVIOUS TEXT,
EXAMINATION OF CREDENTIALS OF NEW PARTICIPANTS AT SUBSEQUENT
SESSIONS, AND OF SUCH OTHER AS CREDENTIALS COMMITTEE MAY DECIDE.

7. PROSPECTS: OPERATION OF CONSENSUS ON RULES AND AVOIDANCE OF
CREDENTIALS ISSUES ENCOURAGING SIGNS OF SERIOUSNESS APPROACH
TO SUBSTANTIVE NEGOTIATIONS. PLENARY WILL HEAR GENERAL DEBATE
STATEMENTS FOR A WEEK HOWEVER PRESIDENT SOUGHT AGREEMENT THAT
MAIN COMMITTEES PROCEED CONCURRENTLY WITH ORGANIZATION OF WORKING
GROUPS AND AGENDA ITEMS. EXPECTED THAT MAIN COMMITTEES WILL FOLLOW
ORGANIZATION IN UN SEABED COMMITTEE. US CONTINUING TO EMPHASIZE
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IMPORTANCE OF SUBSTANTIAL COMPLETION DRAFT TEXTS AT THIS SESSION.
STEVENSON
UNQUOTE KISSINGER

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, DISPUTES, MEETINGS, MEETING REPORTS, MEETING PROCEEDINGS, FOREIGN POLICY POSITION
Control Number: n/a
Copy: SINGLE
Draft Date: 15 JUL 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE152597
Document Source: CORE
Document Unique ID: 00
Drafter: TCAPPEL:LB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740189-1206
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740747/aaaabomv.tel
Line Count: 157
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN DLOS
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: izenbei0
Review Comment: n/a
Review Content Flags:
Review Date: 11 JUL 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <11 JUL 2002 by thomasv0>; APPROVED <17 JAN 2003 by izenbei0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: UNCLASSIFIED LOS SUMMARY WEEK ENDING 6/27
TAGS: PLOS, OGEN, PBOR
To: CINCLANT CINCPAC
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005